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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,807	02/27/2002	Brian J. Brown	5398/CMP/CMP/RKK	2372
32588	7590	08/11/2004	EXAMINER	
APPLIED MATERIALS, INC.			BALSIS, SHAY L	
2881 SCOTT BLVD. M/S 2061			ART UNIT	
SANTA CLARA, CA 95050			PAPER NUMBER	

1744

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,807

Applicant(s)

BROWN ET AL.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Koll et al. (USPN 4842195).

Applicant has clearly stated that the convention scrubbing device includes a spray bar (19) with an output fluid spray from one or more nozzles (21), a mounting device (22) supporting the spray bar and substrate support (17) configured to support a substrate. There is additionally a scrubber brush (13, 15) configured to contact a surface of a substrate. This admission of prior art is stated in the applicant's specification on pages 1-3 and is also clearly shown on figure 1 labeled "prior art" of the applicant's drawings. The admitted prior art teaches all the essential elements of the claimed invention however fails to teach alignment marking on the spray bar and the mounting device. Koll teaches an apparatus for directing spray nozzles in various directions and angles. The spray nozzles (32, 36) are connected to a mounting device (30). Both the spray nozzle and the mounting device comprise indicia (62, 64) to illustrate the angle at which the nozzle will spray (figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include indicia on the spray bar and on the mounting device to allow the nozzle to be set at a desired angle that is adjustable and reproducible.

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With regards to claims 4 and 11, which states that the alignment marks on the spray bar and the mounting device must be comprise a pair of holes, Koll fails to teach this limitation. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use holes as the alignment means because Applicant has not disclosed that holes provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with holes or lines because they both perform the same function of aligning the spray bar and the mounting device equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Koll to obtain the invention as specified in claims 4 and 11.

With regards to claims 6 and 13, wherein the spray bar comprises a plurality of alignment marks, Koll also fails to teach this. Koll does teach that the mounting device comprises a plurality of indicia and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple indicia on the spray bar as well. Duplicating a part for a multiple effect is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960). Similarly, by having the plurality of indicia appear on the spray bar instead of on the mounting device is a modification known as reversing parts, which has also been considered to be within the level or ordinary skill in the art. *In re Gazda*, 219 F.2d 449, 452, 104 USPQ 400, 402 (CCPA 1955).

Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtani et al. (USPN 6151744) in view of Koll et al. (USPN 4842195).

Ohtani teaches an apparatus for cleaning substrates comprising a spray bar (35) with an output fluid spray from a nozzle (30), a mounting device (37) supporting the spray bar and substrate support (1, 2, 3) configured to support a substrate. There is additionally a scrubber brush (20) configured to contact a surface of a substrate. The reference also teaches that the nozzle is adjustable by loosening nut (32) and then retightening when the desired angle is achieved. Ohtani teaches all the essential elements of the claimed invention however fails to teach alignment marking on the spray bar and the mounting device. Koll teaches an apparatus for directing spray nozzles in various directions and angles. The spray nozzles (32, 36) are connected to a mounting device (30). Both the spray nozzle and the mounting device comprise indicia (62, 64) to illustrate the angle at which the nozzle will spray (figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include indicia on the spray bar and on the mounting device to allow the nozzle to be set at a desired angle that is adjustable and reproducible.

With regards to claims 4 and 11, which states that the alignment marks on the spray bar and the mounting device must be comprise a pair of holes, Koll fails to teach this limitation. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use holes as the alignment means because Applicant has not disclosed that holes provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with holes or lines because they both perform the same function of aligning the spray bar and the mounting device equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Koll to obtain the invention as specified in claims 4 and 11.

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With regards to claims 6 and 13, wherein the spray bar comprises a plurality of alignment marks, Koll also fails to teach this. Koll does teach that the mounting device comprises a plurality of indicia and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple indicia on the spray bar as well. Duplicating a part for a multiple effect is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960). Similarly, by having the plurality of indicia appear on the spray bar instead of on the mounting device is a modification known as reversing parts, which has also been considered to be within the level of ordinary skill in the art. *In re Gazda*, 219 F.2d 449, 452, 104 USPQ 400, 402 (CCPA 1955).

Response to Arguments

In response to applicant's argument that the Koll reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Koll reference is analogous art to the claim invention since they are both from the same field of endeavor of nozzles. There is a common problem to be solved, which is the positioning of the spray nozzles. With this common problem in mind, the search to solve this problem lead the Examiner to nozzles, which is where the Koll reference was found. Koll teaches an apparatus and method of directing spray nozzles. The admitted prior art and the Ohtani reference both teach nozzles that are adjustable by means of visually positioning the nozzles to the desired angle. Koll teaches a nozzle that is adjustable

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by means of indicia so as to be able to repeatably set the nozzle at the same angle. Therefore, the combination of the admitted prior art and Koll as well as the combination of Ohtani and Koll is maintained since Koll is just teaching a way to set the nozzles at the same angle every time in use without modifying the end product or function of the original invention. While Koll does mention that the nozzle can be used in crop irrigation, Koll broadly discloses the nozzle and claims just a nozzle and not the use of the nozzle.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

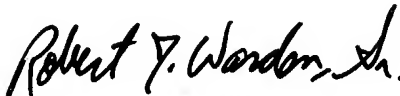
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
7/29/04


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